

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO
CRIMINAL RULE (I.C.R.) 5.3

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ORDER

The Court having reviewed proposed amendments to the Idaho Criminal Rules, and the Court having fully considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Criminal Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Rule 5.3 be, and the same is hereby, amended to read as follows:

Rule 5.3. Initial appearance on probation violations.

(d) **Setting Bail.** Upon advising the probationer of the above rights, the court may set bail for the probationer.

(1) In the event the arrest is pursuant to a warrant issued by the sentencing court any direction of the sentencing court endorsed upon the warrant shall be followed as to the denial of bail or the setting of bail in a certain amount and bail is set in an amount endorsed upon the warrant, then bail shall be in that amount. In the event the probationer posts bail, that fact shall be certified upon the warrant, the probationer discharged and the warrant and undertaking of bail transmitted to the court in which the probationer is required to appear. Bail set at the initial appearance may only be altered upon motion pursuant to I.C.R. 46(lh).

(2) In the event the arrest is pursuant to an agent's warrant, or no amount of bail is endorsed on the warrant issued by the sentencing court, then the court may set bail shall be determined by the court and, if once set, bail may only be altered upon motion pursuant to I.C.R. 46(lh). In the event the probationer posts bail, that fact shall be certified upon the warrant, the probationer discharged, and the warrant and undertaking of bail shall be transmitted to the court in which the probationer is required to appear.

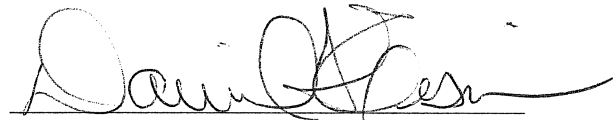
IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 2 day of October, 2009.

By Order of the Supreme Court



Daniel T. Eismann
Chief Justice

ATTEST:

Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 10/6/09

STEPHEN W. KENYON

Clerk

By:

Kimberly Grane

Deputy